



## CLOSED CASE SUMMARY

ISSUED DATE: MARCH 2, 2021

FROM: DIRECTOR ANDREW MYERBERG  
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2020OPA-0502

### **Allegations of Misconduct & Director's Findings**

#### Named Employee #1

Allegation(s):		Director's Findings
# 1	5.001 – Standards and Duties 10. Employees Shall Strive to be Professional	Sustained
Imposed Discipline		
Written Reprimand		

#### Named Employee #2

Allegation(s):		Director's Findings
# 1	5.001 – Standards and Duties 10. Employees Shall Strive to be Professional	Sustained
Imposed Discipline		
Written Reprimand		

***This Closed Case Summary (CCS) represents the opinion of the OPA Director regarding the misconduct alleged and therefore sections are written in the first person.***

### **EXECUTIVE SUMMARY:**

It was alleged that the Named Employees may have made unprofessional statements over a Department radio channel.

### **ANALYSIS AND CONCLUSIONS:**

#### **Named Employee #1 - Allegation #1**

##### ***5.001 – Standards and Duties 10. Employees Shall Strive to be Professional***

SPD's Public Affairs Unit forwarded OPA a tweet that contained radio communications purportedly engaged in between two officers. The tweet opined that the content of those communications was unprofessional. OPA was also tagged in this tweet.

From a review of the audio referenced in the tweet, the discussion occurred over SPD's TAC 3 radio channel. One officer stated: "I did see that woman with her shirt off at 3rd and Main. And I offered her some assistance and she said 'no,' so I told her my name was Justin and gave her my phone number." A second officer stated: "Umm, you gonna have the uh, sucky, sucky, special, huh?" The first officer responded: ""Uh, you will cause it was your phone number."



OPA identified the second officer engaged in this discussion as potentially being Named Employee #1 (NE#1). OPA interviewed him and he confirmed that he was the second officer. He also identified Named Employee #2 (NE#2) as the other officer involved in the radio transmissions.

NE#1 explained that, at the time the statements were made, they were involved in an ongoing search for a homicide suspect. He said that he believed – incorrectly as he later learned – that the radio channel the team was using was encrypted and not public. He acknowledged that his statements represented a lapse in judgment and were unprofessional. He said that he learned from this incident and would not repeat this behavior in the future.

OPA also interviewed NE#2, who confirmed that he was the other officer involved in the radio transmissions. NE#2, like NE#1, recognized that his statements were improper and apologized for making them.

SPD Policy 5.001-POL-10 requires that SPD employees “strive to be professional at all times.” The policy also instructs that “employees may not engage in behavior that undermines public trust in the Department, the officer, or other officers.” (SPD Policy 5.001-POL-10.) The policy further states the following: “Any time employees represent the Department or identify themselves as police officers or Department employees, they will not use profanity directed as an insult or any language that is derogatory, contemptuous, or disrespectful toward any person.” (*Id.*)

As recognized by the Named Employees, their statements were unprofessional, especially as they were transmitted over a public radio channel. OPA commends the Named Employees for acknowledging this. While OPA still believes that Sustained findings are warranted given the nature of the statements, their acceptance of responsibility should be considered as a mitigating factor when considering the level of discipline.

For these reasons, OPA recommends that this allegation be Sustained as against both Named Employees.

Recommended Finding: **Sustained**

**Named Employee #1 - Allegation #2**

***5.001 – Standards and Duties 10. Employees Shall Strive to be Professional***

For the same reasons as stated above (see Named Employee #1 – Allegation #1), OPA recommends that this allegation be Sustained.

Recommended Finding: **Sustained**